TCC HONOR CODE PLEDGE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**THE EARLY REPUBLIC WORKSHEET AND STUDY GUIDE**

In addition to serving as a guide to tonight’s lecture material, this worksheet will serve as an outstanding study guide for Chapter Seven, “Competing Visions of the Virtuous Republic.” Keep this packet to study for next week’s test!

**SECTION ONE**. Major Personalities of the “Critical Period.”

A. George Washington B. John Adams

C. Benjamin Franklin D. Thomas Jefferson

E. Alexander Hamilton F. John Jay

G. James Madison H. Thomas Paine

I. Patrick Henry J. George Mason

\_\_\_\_\_1. The members of his Presidential Cabinet included Secretary of War Henry Knox, Secretary of State Thomas Jefferson, and Alexander Hamilton as the Secretary of the Treasury. He is the only President to personally lead an expedition to put down a domestic riot – the Whiskey Rebellion of 1794.

\_\_\_\_\_2. He was the author of *Common Sense*, and a follow-up to the work entitled *The Crisis*. He demanded the Declaration of Independence, adored the Articles of Confederation, and had grave misgivings about the United States Constitution when it was ratified.



\_\_\_\_\_3. He is the creator of the famous political cartoon above, which he initially published in the 1760s – during the crisis of the French and Indian War. He was part of the committee that produced the Declaration of Independence, a diplomat who helped to secure an alliance with France during the Revolutionary War, and, finally, a member of the Constitutional Convention who gave the meeting credibility – as the elder statesman from Philadelphia.

\_\_\_\_\_4. Another member of the committee that penned the Declaration of Independence, this patriotic American was not present at the Constitutional Convention – he was abroad serving as a diplomat in England. Known for his Puritanical self-righteousness – and his devotion to country – he would become the Vice President under George Washington as a concession to regionalism.

\_\_\_\_\_5. He is known as the “Father of the Constitution” because he authored the Virginia Plan – essentially letting the cat out of the bag that the Articles of Confederation would be scrapped at the Philadelphia Convention. He also kept detailed notes on the Convention for posterity. As one of the authors of the Federalist Papers later, he urged the Constitution’s ratification even before the inclusion of the Bill of Rights. Later, he sponsored those amendments before Congress.

**SECTION ONE**. Major Personalities of the “Critical Period.”

A. George Washington B. John Adams

C. Benjamin Franklin D. Thomas Jefferson

E. Alexander Hamilton F. John Jay

G. James Madison H. Thomas Paine

I. Patrick Henry J. George Mason

\_\_\_\_\_6. He was the author of the Declaration of Independence and a minister to France during much of the 1780s – he played no role at all, for example, in the writing of the Constitution. When he returned to the United States to assume the position of Secretary of State, his mistrust of George Washington and especially the financial scheming of Alexander Hamilton led to a rift in the administration and the development of rival political factions.

\_\_\_\_\_7. Although a fierce advocate for American Independence, he denounced the Philadelphia Convention which produced the Constitution, declaring “I smell a rat.” He railed against the ratification of the document in Virginia, and was especially distraught that it did not have a Bill of Rights.

\_\_\_\_\_8. As the nation’s first Treasury Secretary, this man encouraged the Congress to assume every state’s debts – thereby granting the national government greater need to tax the people. He envisioned a nation of industry and innovation instead of the agrarian vision which Jefferson advocated for.

\_\_\_\_\_9. He was the first Chief Justice of the United States Supreme Court – a position created by the Judiciary Act of 1789. In addition to his role as Chief Justice, he served as a special envoy to negotiate for peace with England – and he produced a very, very unpopular treaty…

\_\_\_\_\_10. This unofficial French diplomat enraged George Washington by appealing directly to the American people for support for the French Republic during the years of war following the French Revolution. Democratic-Republican societies entertained him – encouraging the rift between Federalists and Republicans at the end of Washington’s term in office.

**SECTION II**. Political Differences and the Emergence of Factions

A. Federalists B. Antifederalists

C. The Federalist Party D. The Republican Party

E. The Founding Fathers F. Democratic-Republican Societies

\_\_\_\_\_1. These groups were essentially social clubs which talked politics – often voicing dissent against those in power. In general, members believed that officeholders were directly accountable to the people. These societies were generally opposed to the policies of Alexander Hamilton, and voiced opposition against pro-England or pro-industrial views.

\_\_\_\_\_2. This term is applied to all of the men – sexist though that may be – who were carried out the Revolution to its completion. That is, the men of the American Revolution, the men of the “Critical Period” and the men who established and ratified the Constitution and the Bill of Rights a few years later.

**SECTION II**. Political Differences and the Emergence of Factions

A. Federalists B. Antifederalists

C. The Federalist Party D. The Republican Party

E. The Founding Fathers F. Democratic-Republican Societies

\_\_\_\_\_3. These men favored the ratification of the US Constitution exactly as it was presented from the Philadelphia Convention in 1787.

\_\_\_\_\_4. These men and women were either opposed to the Constitution because they favored the less rigid Articles of Confederation, or they were in favor of adding a Bill or Rights to the document. Indeed, many of those who opposed ratification opposed it for very specific reasons.

\_\_\_\_\_5. This was the political faction formed by Thomas Jefferson and James Madison, which was committed to the idea of strict constructionist interpretations of the Constitution, pro-French foreign policy, agrarianism, and a weaker executive authority.

\_\_\_\_\_6. This political faction was formed by Alexander Hamilton and his supporters, with whom George Washington is presumed by many to have sympathized. He was pro-business and industry, pro-British, and committed to an energetic and vigorous national government with power to collect taxes and regulate commerce.

**SECTION III**. A Timeline of Critical Events

A. The Philadelphia Convention B. Ratification

C. Declaration of Independence D. Articles of Confederation

E. The Bill of Rights G. *Common Sense*

H. *The Federalist Papers* I. Pinckney’s Treaty

J. Jay’s Treaty K. The Farewell Address

L. The Whiskey Rebellion M. Shays’ Rebellion

\_\_\_\_\_**January of 1776** – This pamphlet was published by Thomas Paine in order to encourage the Continental Congress to act decisively and boldly to sever ties with Great Britain.

\_\_\_\_\_**July of 1776** – To quote: “We hold these truths to be self-evident: that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.”

\_\_\_\_\_**1781** – Years after its proposal, this government went into effect in 1781. Under this government, the Revolutionary War would be won, the Treaty of Paris would be signed, and one of the critical divisive issues between the states – who would legitimately claim the Western Territories – was resolved.

\_\_\_\_\_**1786** – In Western Massachusetts, disorder and violence erupted when a community of farmers rose up in arms against their creditors, who were attempting to collect steep taxes and foreclose on their land. The state militia had to be called in in order to restore the peace. Many Americans were concerned that too much democracy was leading to anarchy and violence. This event is considered a major cause of the Constitutional Convention and the scuttling of the Articles of Confederation.

**SECTION III**. A Timeline of Critical Events

A. The Philadelphia Convention B. Ratification

C. Declaration of Independence D. Articles of Confederation

E. The Bill of Rights G. *Common Sense*

H. *The Federalist Papers* I. Pinckney’s Treaty

J. Jay’s Treaty K. The Farewell Address

L. The Whiskey Rebellion M. Shays’ Rebellion

\_\_\_\_\_**1787** – After a failed meeting in Annapolis the year before, some five dozen leading men arrange an “extralegal” convention here to revise the Articles of Confederation. The first revision: throw it out and start over. After gaining Congress’ approval, the new Constitution was sent out to the states to be ratified in state conventions – not by state legislatures.

\_\_\_\_\_**1787 – 1788** – Alexander Hamilton, James Madison, and John Jay were the authors of these essays, which were published in newspapers across the United States – but principally in New York – during the debates over ratification of the Constitution. Although Madison and Hamilton would almost never agree about political decisions in the future, they wrote the bulk of these editorials.

\_\_\_\_\_**1788** – When nine of the thirteen colonies approved the US Constitution, this was accomplished. Interestingly, it took Rhode Island and North Carolina a good deal longer than the other states to approve the document – they insisted upon a Bill of Rights being added to the original by amendment.

\_\_\_\_\_**1791** – The first ten amendments to the Constitution were added. There were twelve amendments proposed initially in 1789. Ten passed in 1791, and another, originally proposed by James Madison in 1789, became the 27th Amendment to the Constitution in 1992. It took 202 years to ratify the amendment which states, “No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.”

**\_\_\_\_\_1794** – George Washington put down this revolt against the excise tax in Western Pennsylvania by personally leading an army of 13,000 soldiers in an overwhelming show of force. If there were any lingering doubts about the legitimacy of the national government, they were answered.

\_\_\_\_\_**1795, Spring** – This treaty was a wobbly-kneed concession to England. In order to avoid war with the English, the United States accepted English search and seizure of our ships on the open seas and continued to allow the English to supply Native American enemies in exchange for some simple trade concessions in the Caribbean. Although the US agreed to pay back all English merchants for debts owed, no mention was made of the many enslaved men and women lost during the war due to English policies.

\_\_\_\_\_**1795, October** – This treaty not only secured the Western borders by making peace with the Creek Confederation and other southeastern tribes, but also secured the right to trade along the Mississippi River and at the port of New Orleans from Spain.

**\_\_\_\_\_1796** – In this published speech, the first president advised Americans to avoid political factions. He warned Americans to beware foreign entanglements and to avoid European wars at all costs.

**SECTION IV**. *Thurgood Marshall on the United States Constitution*

*Read over the speech below, delivered by Thurgood Marshall in 1987 at a convention in Hawaii. As the first African-American justice of the Supreme Court – and the only one at the time – Marshall held some unique convictions regarding the document.*

1987 marks the 200th anniversary of the United States Constitution. A Commission has been established to coordinate the celebration. The official meetings, essay contests, and festivities have begun.

The planned commemoration will span three years, and I am told 1987 is "dedicated to the memory of the Founders and the document they drafted in Philadelphia." we are to "recall the achievements of our Founders and the knowledge and experience that inspired them, the nature of the government they established, its origins, its character, and its ends, and the rights and privileges of citizenship, as well as its attendant responsibilities."

Like many anniversary celebrations, the plan for 1987 takes particular events and holds them up as the source of all the very best that has followed. Patriotic feelings will surely swell, prompting proud proclamations of the wisdom, foresight, and sense of justice shared by the Framers and reflected in a written document now yellowed with age. This is unfortunate – not the patriotism itself, but the tendency for the celebration to oversimplify, and overlook the many other events that have been instrumental to our achievements as a nation. The focus of this celebration invites a complacent belief that the vision of those who debated and compromised in Philadelphia yielded the "more perfect Union" it is said we now enjoy.

I cannot accept this invitation, for I do not believe that the meaning of the Constitution was forever "fixed" at the Philadelphia Convention. Nor do I find the wisdom, foresight, and sense of justice exhibited by the Framers particularly profound. To the contrary, the government they devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today. When contemporary Americans cite "The Constitution," they invoke a concept that is vastly different from what the Framers barely began to construct two centuries ago.

For a sense of the evolving nature of the Constitution we need look no further than the first three words of the document's preamble: 'We the People." When the Founding Fathers used this phrase in 1787, they did not have in mind the majority of America's citizens. "We the People" included, in the words of the Framers, "the whole Number of free Persons." On a matter so basic as the right to vote, for example, Negro slaves were excluded, although they were counted for representational purposes at three-fifths each. Women did not gain the right to vote for over a hundred and thirty years.

These omissions were intentional. The record of the Framers' debates on the slave question is especially clear: The Southern States acceded to the demands of the New England States for giving Congress broad power to regulate commerce, in exchange for the right to continue the slave trade. The economic interests of the regions coalesced: New Englanders engaged in the "carrying trade" would profit from transporting slaves from Africa as well as goods produced in America by slave labor. The perpetuation of slavery ensured the primary source of wealth in the Southern States.

Despite this clear understanding of the role slavery would play in the new republic, use of the words "slaves" and "slavery" was carefully avoided in the original document. Political representation in the lower House of Congress was to be based on the population of "free Persons" in each State, plus three-fifths of all "other Persons." Moral principles against slavery, for those who had them, were compromised, with no explanation of the conflicting principles for which the American Revolutionary War had ostensibly been fought: the self-evident truths "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

It was not the first such compromise. Even these ringing phrases from the Declaration of Independence are filled with irony, for an early draft of what became that Declaration assailed the King of England for suppressing legislative attempts to end the slave trade and for encouraging slave rebellions. The final draft adopted in 1776 did not contain this criticism. And so again at the Constitutional Convention eloquent objections to the institution of slavery went unheeded, and its opponents eventually consented to a document which laid a foundation for the tragic events that were to follow.

Pennsylvania's Governor Morris provides an example. He opposed slavery and the counting of slaves in determining the basis for representation in Congress. At the Convention he objected that

"The inhabitant of Georgia [or] South Carolina who goes to the coast of Africa, and in defiance of the most sacred laws of humanity tears away his fellow creatures from their dearest connections and damns them to the most cruel bondages, shall have more votes in a Government instituted for protection of the rights of mankind, than the Citizen of Pennsylvania or New Jersey who views with a laudable horror, so nefarious a Practice."

And yet Governor Morris eventually accepted the three-fifths accommodation. In fact, he wrote the final draft of the Constitution, the very document the bicentennial will commemorate.

As a result of compromise, the right of the southern States to continue importing slaves was extended, officially, at least until 1808. We know that it actually lasted a good deal longer, as the Framers possessed no monopoly on the ability to trade moral principles for self-interest. But they nevertheless set an unfortunate example. Slaves could be imported, if the commercial interests of the North were protected. To make the compromise even more palatable, customs duties would be imposed at up to ten dollars per slave as a means of raising public revenues.

No doubt it will be said, when the unpleasant truth of the history of slavery in America is mentioned during this bicentennial year, that the Constitution was a product of its times, and embodied a compromise which, under other circumstances, would not have been made. But the effects of the Framers' compromise have remained for generations. They arose from the contradiction between guaranteeing liberty and justice to all, and denying both to Negroes.

The original intent of the phrase, "We the People," was far too clear for any ameliorating construction. Writing for the Supreme Court in 1857, Chief Justice Taney penned the following passage in the Dred Scott case, on the issue whether, in the eyes of the Framers, slaves were "constituent members of the sovereignty," and were to be included among "We the People":

"We think they are not, and that they are not included, and were not intended to be included.... They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race...; and so far inferior, that they had no rights which the white man was bound to respect; and that the Negro might justly and lawfully be reduced to slavery for his benefit.... accordingly, a Negro of the African race was regarded ... as an article of property, and held, and bought and sold as such.... No one seems to have doubted the correctness of the prevailing opinion of the time."

And so, nearly seven decades after the Constitutional Convention, the Supreme Court reaffirmed the prevailing opinion of the Framers regarding the rights of Negroes in America. It took a bloody civil war before the 13th Amendment could be adopted to abolish slavery, though not the consequences slavery would have for future Americans.

While the Union survived the civil war, the Constitution did not. In its place arose a new, more promising basis for justice and equality, the 14th Amendment, ensuring protection of the life, liberty, and property of all persons against deprivations without due process, and guaranteeing equal protection of the laws. And yet almost another century would pass before any significant recognition was obtained of the rights of black Americans to share equally even in such basic opportunities as education, housing, and employment, and to have their votes counted, and counted equally. In the meantime, blacks joined America's military to fight its wars and invested untold hours working in its factories and on its farms, contributing to the development of this country's magnificent wealth and waiting to share in its prosperity.

What is striking is the role legal principles have played throughout America's history in determining the condition of Negroes. They were enslaved by law, emancipated by law, disenfranchised and segregated by law; and, finally, they have begun to win equality by law. Along the way, new constitutional principles have emerged to meet the challenges of a changing society. The progress has been dramatic, and it will continue.

The men who gathered in Philadelphia in 1787 could not have envisioned these changes. They could not have imagined, nor would they have accepted, that the document they were drafting would one day be construed by a Supreme Court to which had been appointed a woman and the descendent of an African slave. We the People" no longer enslave, but the credit does not belong to the Framers. It belongs to those who refused to acquiesce in outdated notions of "liberty," "justice," and "equality," and who strived to better them.

And so we must be careful, when focusing on the events which took place in Philadelphia two centuries ago, that we not overlook the momentous events which followed, and thereby lose our proper sense of perspective. Otherwise, the odds are that for many Americans the bicentennial celebration will be little more than a blind pilgrimage to the shrine of the original document now stored in a vault in the National Archives. If we seek, instead, a sensitive understanding of the Constitution's inherent defects, and its promising evolution through 200 years of history, the celebration of the "Miracle at Philadelphia" will, in my view, be a far more meaningful and humbling experience. We will see that the true miracle was not the birth of the Constitution, but its life, a life nurtured through two turbulent centuries of our own making, and a life embodying much good fortune that was not.

Thus, in this bicentennial year, we may not all participate in the festivities with flag-waving fervor. Some may more quietly commemorate the suffering, struggle, and sacrifice that has triumphed over much of what was wrong with the original document, and observe the anniversary with hopes not realized and promises not fulfilled. I plan to celebrate the bicentennial of the Constitution as a living document, including the Bill of Rights and the other amendments protecting individual freedoms and human rights.

**Questions Regarding Thurgood Marshall’s Remarks:**

1. Does Thurgood Marshall credit the vision and foresight of the framers of the Constitution for the ultimate success of the document in governing our nation? Who else might he credit for the victories of the Constitution?

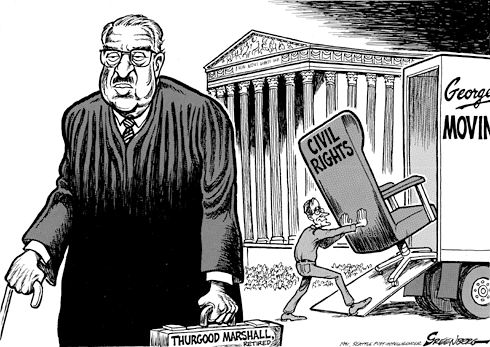
2. List no less than four (4) specific failures in the Constitution, according to Thurgood Marshall.

3. Why doesn’t the Constitution use the term slave or slavery at all? (Considering that it includes references to slaves and slavery in no less than three places – the three-fifths compromise, the fugitive slave clause, and the banning of the international slave trade – this could hardly have been an accident!)

4. What condemnation does Thurgood Marshall target Gouvernour Morris of Pennsylvania for – the same Morris who is feature in Chapter Seven of our text, under “Individual Voices?”

5. What does Thurgood Marshall’s analysis of the history of African-Americans – and the transformation of the Constitution in the aftermath of the Civil War with the passage of the 13th, 14th, and 15th Amendments – say about his own interpretation of the Constitution as a Supreme Court justice?

6. What aspects of the Constitution does Thurgood Marshall claim he will celebrate during the bicentennial year of the document?



**SECTION V**. *Characteristics and accomplishments of the Articles of Confederation and the Constitution.*

**The Articles of Confederation:**

**The United States Constitution**

* The Judiciary Act establishing the Supreme Court and Federal Justice System
* The Northwest Ordinances establishing rules for statehood and forbidding slavery
* The power to tax
* The ability to amend the document without unanimous consent of the states
* Government under which the United States won the War for Independence
* Government under which the United States created the Treaty of Paris of 1783
* Unable to create a national navy
* President would serve as commander-in-chief of the Armed Forces – Whiskey Rebellion
* Weak and ineffectual national armed forces without a chief executive – Shays’ Rebellion
* Supreme Court could settle disputes between states
* Separation of Powers – Executive, Legislative, and Judicial Branches